

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SOKOLOW, et al, : 04-CV-397 (GBD)
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Plaintiffs, : November 20, 2011
:
v. : 500 Pearl Street
: New York, New York
PALESTINE LIBERATION ORGANIZATION, et al, :
:
Defendants. :
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TRANSCRIPT OF CIVIL CAUSE FOR CONFERENCE
BEFORE THE HONORABLE RONALD L. ELLIS
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

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1 THE CLERK: In the matter of Mark Sokolow, *et al.*, v.
2 the Palestine Liberation Organization, *et al.*

3 All counsel, please identify yourself for the record.
4 Please stand when addressing the Court.

5 MR. SCHOEN: David Schoen, Your Honor, with Alan
6 Bauer for the plaintiffs.

7 MR. SOLOMON: Aaron Solomon, Brooklyn, New York for
8 the plaintiffs.

9 THE COURT: Good afternoon.

10 MR. HILL: Good afternoon, Your Honor. Brian Hill
11 for defendants.

12 MR. ROCHON: And Mark Rochon for the defendants.
13 Good afternoon, Your Honor.

14 THE COURT: Good afternoon. I note, first of all,
15 that I was handed this from the plaintiffs. I want to say as
16 an initial matter, it's bad form to give the judge something
17 like this as he's coming into a conference regardless of the
18 subject matter, but we will talk about that in due course. I
19 assume the defendants got a copy today also.

20 MR. HILL: We received a copy by ECF last night
21 around 8:00 o'clock.

22 THE COURT: And you've totally digested it, no doubt.

23 MR. HILL: Your Honor, we're prepared to address it
24 today. I think it's properly denied on any number of grounds.
25 And to cut to the chase, we'd ask you to deny it today or at

1 least put the plaintiffs on notice that they're not going to
2 get an automatic grant by doing what they did, which is filing
3 something on the eve of the hearing that didn't comply with the
4 Local Rule, that didn't comply with Judge Daniels' direction to
5 have a pre-hearing conference with Your Honor, and it did not
6 even follow meet and confer with us about either the substance
7 of the motion or the things that are complained about in the
8 motion. Sort of a transparent effort to grant themselves an
9 extension by giving you something they hope you won't be able
10 to rule on quickly enough and, therefore, will find some -- an
11 automatic extension. We can talk about this in as much detail
12 as Your Honor wants.

13 THE COURT: All right. Well, we'll get to that.

14 First, with respect to the things that were pending
15 this morning before I came in or at least before Sandy struck,
16 there's a question of the defendants' request for sanctions
17 based upon the plaintiffs' response to interrogatory seeking to
18 identify witnesses with knowledge about arrest, release from
19 detention by the PA of five individuals. I don't think it's
20 necessary to impose sanctions, although my review indicates
21 that the responses have the same general broad brush that I had
22 found issue with before and that is that it just -- it was not
23 basically designed to identify individuals who could be called
24 as witnesses because they had firsthand knowledge.

25 And therefore, since it appeared there was not an

1 attempt to divide people into categories of people who would
2 be -- who would have that firsthand knowledge to the extent
3 that the individuals who have been identified by the plaintiffs
4 who have been identified so broadly, I'm -- I considered those
5 identifications a nullity and I -- what I will order is that to
6 the extent that there are individuals that are listed, they are
7 precluded from being witnesses since the idea is to identify
8 people who could be deposed. It did not do that for me and so
9 if -- it's just not going to happen.

10 With respect to the defendants' motion to preclude
11 the plaintiffs from deposing Interzar Al-Wahzier [Ph.], that
12 motion by the defendants is granted. I don't see anything that
13 indicates that the particular witness is a high enough
14 individual such that their deposition would be necessarily
15 ordered and frankly the letter of reference to Palestinian
16 martyrs doesn't really give me any traction that it's likely to
17 lead to any relevant evidence.

18 With respect to the defendants' motion to compel the
19 production of any documents concerning Janice Coulter's
20 reported involvement with a vehicular homicide when she was a
21 youth, that motion is denied. And similar to my ruling with
22 respect to the other witness who there may have been something
23 in their past, again, I don't see any indication that this is
24 likely to lead to relevant evidence concerning the particular
25 presentation by the plaintiffs as a basis for the damages for